

INITIAL STATEMENT OF REASONS

March 1, 2019

San Francisco Bay Conservation and Development Commission

Proposed Changes to Appendix M

Commission Permit Application Fees

Commission Regulations, Title 14, Division 5

Background

The San Francisco Bay Conservation and Development Commission (Commission or BCDC) is a State agency that issues permits for the placement of fill, the extraction of materials worth more than \$20, or any substantial change in use of any water, land, or structure located within the area of the Commission's jurisdiction under the McAteer-Petris Act (Cal. Govt. Code sections 66600 through 66694), and for any development within the area of the Commission's jurisdiction under the Suisun Marsh Preservation Act (Cal. Pub. Res. Code sections 29000 through 29612). Permits are categorized by law and regulations as major permits that receive Commission review and approval, administrative (*i.e.*, minor) permits issued by the Executive Director with the Commission's concurrence, material and nonmaterial permit amendments, and pre-approved regionwide permits for many minor types of work in the Commission's jurisdiction.

Both the McAteer-Petris Act and the Suisun Marsh Preservation Act authorize the Commission to require the payment of a reasonable permit application fee prior to filing a permit application as complete. The Commission has adopted a set of permit application fees and a methodology to calculate potential fee adjustments every five years. (Cal. Code of Regulations, Title 14, Division 5, Appendix M.) The fees are categorized by the type of permit application and increase with the applicant's total project cost (TPC); higher fees apply to larger, more costly projects, and lower fees apply to smaller, less costly projects. The current fees were established with the goal of recovering from permit applicants, on an average annual basis, 20% of the total costs of the Commission's regulatory program. Fees are to be reevaluated every five years and adjusted, if necessary, to continue to recover 20% of total regulatory program costs. Commission staff was scheduled to reevaluate the Commission's permit fees in 2013, in accordance with the Commission's regulation, but were unable to do so due to staffing constraints.

The Commission does not retain the permit application fees it collects. Instead, permit application fees collected by the Commission are deposited into the State's General Fund from which the Legislature appropriates funds to support the Commission's regulatory and other programs. As shown in the following table, for state fiscal years 2012/2013 through 2016/2017, the permit fees collected by the Commission ranged from about 8% to about 25% of the amount of funds received by the Commission through appropriations from the General Fund. Thus, the Commission receives far more in financial support through appropriations from the General Fund than the Commission generates in fee revenue for deposit into the General Fund. Moreover, the General Fund provides a relatively stable and predictable amount of funding to

the Commission, whereas, permit fee revenue received by the Commission varies considerably year-by-year depending on the number and size of projects for which permit applications are submitted to the Commission.

Table 1: General Fund Authorization and Permit Fees Collected

<u>Fiscal year</u>	<u>General Fund Authorization</u>	<u>Permit Fees Collected</u>	<u>Percent</u>
2012/13	\$3.839 million	\$306.722	7.99%
2013/14	\$4.08 million	\$363.212	8.90%
2014/15	\$4.33 million	\$1,079,798	24.94%
2015/16	\$5.07 million	\$1,205,779	23.78%
2016/17	\$5.90 million	\$547,891	9.29%

Under California law, a regulatory fee is valid provided the fee does not exceed the reasonable costs of providing the services necessary to regulate the activity for which the fee is charged. Cal. Constitution Art. XIII A, § 3(d); *California Building Industry Assn. v. State Water Resources Control Bd.* (2018) 4 Cal.5th 1032, 1050; *California Farm Bureau Federation v. State Water Resources Control Bd.* (2011) 51 Cal.4th 421, 437; *Sinclair Paint Co. v. State Bd. of Equalization* (1997) 15 Cal.4th 866, 876. Reasonable costs “include all those incident to the issuance of a license or permit, investigation, inspection, administration, maintenance of a system of supervision and enforcement.” *California Farm Bureau Federation*, 51 Cal. 4th at 438.

Thus, a regulatory agency may establish a permit fee schedule so that the total amount of fees collected equals the amount necessary to recover up to 100% of the costs of the agency’s regulatory activities. See *California Building Industry Assn.*, 4 Cal. 5th at 1038 (total amount of fees collected under fee schedule for waste discharge permits is limited to amount necessary to recover costs incurred in connection with the issuance, administration, review, monitoring, and enforcement of such permits); *California Farm Bureau Federation*, 51 Cal. 4th at 438-40 (fee schedule for water rights permit or license established so that total amount of fees collected equals the amount necessary to recover the agency’s costs incurred in connection with agency’s administration of statutory provisions). In contrast, since 1991, the Commission’s permit application fees have been set with the goal of recovering 20% of the Commission’s total regulatory program costs.

To compare the Commission’s existing permit application fees to the permit fees charged by a number of other government agencies, staff surveyed the fee schedules of one state agency – the California Coastal Commission -- and a sampling of four Bay Area local governments -- the City and County of San Francisco; Contra Costa County; City of Berkeley; and City of Fremont. These agencies were chosen for comparison because their fee categories are relatively similar to the Commission’s; the majority of their fees are flat fees and are based, at least in part, on total project construction or development costs. The staff’s survey of the permit fees charged by other government agencies provides a general idea of the amount of permit application fees

incurred by applicants for development projects in the Bay Area. However, it is difficult to use the fee schedules of other agencies to directly compare their fees with those of the Commission because the fee schedule of each agency is unique in the way applications are described or classified, the use of different fee categories, and the way fees are calculated.¹

The survey results show that the Commission's existing fees are in many cases less than, and in other cases are higher than but not excessive in comparison to, the fees charged by the California Coastal Commission and by local Bay Area governments with mandates and permit fee schedules comparable to the Commission. More specifically, and as shown by the following table:

- **Coastal Commission.** For smaller, less costly projects, up to a total project cost (TPC) of about \$10 million, the application fees charged by the Coastal Commission for a coastal development permit are higher than those charged by the Commission (*i.e.*, BCDC), and the disparity in fees is greatest for the smallest projects with a TPC of between \$5,000 to \$50,000. The application fees charged by the Coastal Commission and BCDC are comparable for projects with a TPC of between about \$50 million to \$100 million. For the largest projects, with a TPC of greater than \$600 million, the fee charged by the Coastal Commission are about one-half the fee charged by BCDC (assuming such a project would be authorized by a major permit).
- **City and County of San Francisco (CCSF).** For smaller, less costly projects, up to a TPC of about \$10 million, the application fees charged by the CCSF for a building permit for new construction are higher than those charged by the Commission. For projects with a TPC greater than \$50 million, the fees charged by the Commission are greater than those charged by the CCSF and the disparity in fees increases for larger, more costly projects.
- **City of Berkeley.** For the smallest projects, with a TPC of less than \$5,000, the fees charged by Berkeley for a building permit for new construction are less than or comparable to the fees charged by the Commission. For larger projects, with a TPC of \$50,000 or more, the fees charged by Berkeley are greater than those by the Commission and the disparity in fees increases for larger, more costly projects. For large projects with a TPC of \$100 million, the fees charged by Berkeley are more than 15 times greater than the fee charged by the Commission (assuming such a project would be authorized by a major permit); for the largest projects, with a TPC of greater than

¹ Commission staff also reviewed two fee schedules established by the State Water Resources Control Board (SWRCB) and a fee schedule established by the Bay Area Air Quality Management District (BAAQMD), but found those fee schedules are only minimally comparable to the Commission's. The SWRCB's fees for certain waste discharge requirements are divided between application fees and annual regulatory fees and are based on certain criteria including the threat to water quality and "complexity" in administration, and fees for municipal stormwater discharges account for the population served. The SWRCB's fees for water rights permits or licenses are based on the total annual amount of authorized water diversions. The BAAQMD's fees for major stationary sources are based on the number of authorized tons of certain pollutants emitted and the agency's fees for major facility review take into account the number of sources of pollutants at a facility.

\$600 million the fee charged by Berkeley are approximately 22 times the fee charged by the Commission (assuming such a project would be authorized by a major permit).

- **Contra Costa County (CCC) and City of Fremont.** For small projects, up to a TPC of about \$50,000, the fees charged by CCC and Fremont for a building permit for new construction are less than or comparable to the fees charged by the Commission. For larger projects, with a TPC of \$1 million or more, the fees charged by CCC and Fremont are greater than those by the Commission and the disparity in fees increases for larger, more costly projects. For the largest projects, with a TPC of greater than \$600 million, the fees charged by CCC and Fremont are approximately 3 times the fee charged by the Commission (assuming such a project would be authorized by a major permit).

Table 2: Comparison of BCDC and Other Agency Permit Application Fees

Total Project Cost	BCDC Admin. Permit	BCDC Major Permit	California Coastal Commission*	City/County of San Francisco*	City of Berkeley*	Contra Costa County*	City of Fremont*
<\$5,000	\$150	\$350	\$3,627	\$2,743	\$144	\$116	\$111
\$50,000	\$175	\$700	\$3,627	\$2,743	\$1,134	\$639	\$664
\$1 million	\$1,200	\$2,000	\$12,090	\$23,699	\$22,034	\$5,523	\$5,611
\$10 million	\$12,000	\$20,000	\$36,270	\$35,606	\$220,034	\$32,793	\$32,251
\$50 million	\$50,000	\$85,000	\$60,450	\$37,606	\$1,100,034	\$153,993	\$150,651
\$100 million	\$80,000	\$140,000	\$120,900	\$41,367	\$2,200,034	\$305,493	\$298,651
\$600 million	\$240,000	\$600,000	\$302,250	\$41,367	\$13,200,000	\$1,820,493	\$1,778,651

*For the California Coastal Commission and the Bay Area cities and counties shown, Commission staff calculated the permit application fees based on each agency's permit application fee schedule for new project construction. Commission staff did not contact each agency to discuss staff's interpretation of the agency's fee schedule or confirm the calculated fees shown in this table or, for the Bay Area cities and counties, to determine whether the agency charges other fees for new construction in addition to a building permit fee.

Challenge

In 2015, the Department of Finance (Finance) approved, as part of the Governor's Budget, the Commission's request for an annual budget augmentation of \$1 million from General Fund revenues. Approval of this budget augmentation was conditioned upon an agreement, made by the Commission's Executive Director, that he would propose to the Commission that it amend its permit fee regulation (Appendix M) to double the Commission's existing permit application fees. Any increased fee revenues would continue to be deposited into the General Fund to reimburse the General Fund for a significant, albeit variable, portion of the annual \$1 million budget augmentation. During the budget discussions with Finance, it was recognized that any changes to the Commission's permit fee schedule require Commission approval.

The Commission's current fee regulation provides that the existing permit application fees shall remain in effect until December 31, 2013, or until the Executive Director reevaluates and adjusts the permit fees in accordance with the regulation. The regulation further provides that potential fee adjustments shall be calculated for each five-year period following the effective date of the amended regulation, commencing in 2013. However, without either a Chief Counsel or a Chief Budget Officer, Commission staff was unable to calculate potential fee adjustments in 2013.

Prior to proposing that the Commission initiate the rulemaking process to double the existing permit application fees, staff collected and analyzed the information specified in the fee regulation for the five state fiscal years 2012/2013 through 2016/2017, regarding annual permit fee revenue and annual total regulatory program costs, to determine if, based on that information, the fees would be adjusted under the current regulation for the next five-year period. If so, and if the adjusted fees would be double the existing fees, it would not be necessary to amend the regulation to double the fees to meet the objectives of the Executive Director's agreement with Finance. However, the calculations showed that during this five-year period, the average revenue generated from fees was approximately 19.36% of the highest annual total regulatory program cost, or only about 0.64% less than the target revenue of 20% of the highest annual total regulatory program cost. See Staff Report and Recommendation to Commence Rulemaking to Revise Permit Application Fees and Other Amendments to Title 14, Division 5, Appendix M (Jan. 26, 2018), at 4-5.

Since the annual average fee revenues during the five-year survey period approximately met the target revenue of 20% of total regulatory program costs established by the regulation, the existing fees would not be adjusted under the regulation, but rather, would remain unchanged. Therefore, any increase in existing permit application fees would require regulatory action to amend the existing fee regulation.

Proposal

On February 1, 2018, the Commission held a public hearing to consider a staff report and recommendation to commence the rulemaking process to double the Commission's existing permit application fees and make other conforming amendments to Appendix M of the Commission's regulations. Following the public hearing, the Commission voted to approve the staff's recommendation and authorized staff to initiate the rulemaking process.

The Commission proposes to amend the existing fee regulation (Appendix M) in the following ways:

First, **Appendix M, section(b)** would be amended to double all existing permit application fees.

Second, **Appendix M, section (b)** would be amended to change the references to “minor permit” to “administrative permit” because, while an “administrative permit” is sometimes referred to as a “minor permit” under the Commission’s regulations, the term “administrative permit” is more accurate. *See, e.g.,* 14 C.C.R. sections 10600, 10602, 10611, 10612, 10623, 10624.

Third, **Appendix M, section (c)(1)** would be amended to increase to 40% the “target revenue” (*i.e.*, the annual revenue from fees would be projected to equal 40% of the annual total regulatory program costs) to be used in determining whether the fees are to be adjusted every five years. Given that the fee revenues generated over the recent five-year survey period (fiscal years 2012/2013 through 2016/2017) approximately met the 20% target revenue established by the current regulation, if the existing permit fees are doubled, it would be appropriate also to double the existing target revenue to 40% of the highest annual total regulatory program costs.

Fourth, **Appendix M, section (b)** would be amended to state that the amended fees would be effective until December 31, 2024, and that the amended fees would be effective from 2019 through 2024.

Fifth, **Appendix M, sections (c)(1) and (c)(4)(A)** would be amended to state that calculation of permit fees for subsequent years would commence in 2024.

Sixth, **Appendix M, section (g)(1) and (g)(2)** would be amended to: (1) double, to \$200, the amount of the refund of an administrative permit application fee if the application is withdrawn prior to mailing of the administrative listing; and (2) double, to \$400, the nonrefundable portion of all other fees if an application is withdrawn prior to mailing notice of public hearing, respectively. If the existing permit fees are doubled, it would be appropriate to also double the refundable and non-refundable amounts in these two sections.

The purpose of the proposed amendments to Appendix M is to double the amount of permit fee revenue generated by the Commission and deposited into the General Fund on an annual basis.

Rationale

The Commission’s existing application fees became effective in January 2009 and have not been adjusted or amended in ten years.

As noted above, in 2015, when Finance approved the Commission’s request for an annual budget augmentation of \$1 million from General Fund revenues, the Executive Director and Finance agreed that the Executive Director would propose to the Commission that the Commission double its existing permit application fees. The benefit that would be achieved by the proposed amendments to Appendix M is that the Commission would collect increased fee

revenues from permit applicants that would be deposited into the General Fund to reimburse the General Fund for a significant, albeit variable, portion of the annual \$1 million budget augmentation approved by Finance in 2015.

While the proposed increases in the Commission's permit application fees would be double the existing fees, an increase in the fees would be reasonable. The amended fees would be set with the goal of recovering 40% of the of the Commission's total regulatory program costs, rather than a higher percentage, up to 100% of such costs, that is permissible under California law. In addition, the increased fees would remain a small percentage or portion of a permit applicant's total project costs. The fees are paid on a one-time basis, and it would not be expected that the increased fees would deter applicants from implementing proposed projects. The increased fees would also be reasonable because the fees would continue to cover permit-related regulatory activities such as pre-application discussions with applicants, the design review process, application review and preparation of permits, plan review and approval, certifications of completion, and compliance monitoring and other compliance and enforcement activities, as appropriate. Finally, the increased fees, while double the existing fees, would continue not to be excessive when compared with the permit application fees charged by the California Coastal Commission and by local Bay Area governments for proposed development projects.

The proposed amendments to the Commission's permit fee regulation would continue the existing requirement to determine whether fees are to be adjusted every five years, either up or down, but would increase the target revenue to be collected from permit fees from 20% to 40% of the Commission's total regulatory program costs. The formula for calculating potential fee adjustments would remain unchanged and would continue to compare the average fees generated over the preceding five years with the highest annual total regulatory program cost for the same period. Using this five-year period in calculating potential fee adjustments would continue to balance years with higher and lower permit fee revenue, and higher and lower regulatory program costs, in determining whether the fees would be adjusted. As under the current regulation, the effect of one high-revenue or low-revenue year would have less impact on the potential recalculation of fees because the fee revenue from such a year would be averaged over five years of fee revenue.

Economic Impact Assessment

The Commission's application fees for major permits, administrative permits, and permit amendments vary with an applicant's total project cost. Higher application fees apply to larger, more costly projects, and lower fees apply to smaller, less costly projects. To estimate the economic and fiscal impact of the proposed amended fees on each type of permit applicant (*i.e.*, private parties, state governments, and local governments) Commission staff conducted a survey of the applications filed during the five state fiscal years 2012/2013 through 2016/2017. This survey allowed staff to determine the numbers and types of applications and amount of fees received over time, by the type of permittee. The survey also allowed staff to calculate the annual average number of each type of application filed by each type of permittee, as well as the annual average application fees for a major permit, administrative permit, and permit amendment during this period. Those annual average fees during the five-year survey period

were used to estimate the annual average fees and amount of fee revenue from the proposed amended fees, and from potential alternatives to the proposed amended fees, by type of application and type of applicant.

The accompanying Economic and Fiscal Impact Statement (Form 399), including the supplement thereto, analyzes the five-year survey results and presents the estimated annual average fees and fee revenue by type of permittee from the proposed amended fees (and certain potential alternatives).

All applicants for a Commission permit, including businesses and individuals, would pay an increased fee – double the current fee – when submitting a permit application. The increased cost would not be significant compared to the applicant's total project costs. Application fees are imposed once, when a permit application is filed, not annually or on a recurring basis. Thus, the increased application fees would not deter applicants from implementing proposed projects. For these reasons, the proposed action to double the Commission's permit application fees would not create or eliminate jobs within California, create new businesses or eliminate existing businesses within California, or affect the expansion of businesses currently doing business within California.

The benefit to the State of California from the proposed action is that doubling the Commission's permit application fees would increase the percentage of the Commission's total regulatory program costs recovered from permit application fees from 20% to 40%. The increased fee revenue would be deposited into the State General Fund to provide reimbursement for disbursements from the General Fund that are used to support the Commission's regulatory program. The benefits of the Commission's regulatory program, which would be supported by the proposed action, include preventing unnecessary fill in San Francisco Bay, providing public access to the Bay shoreline, promoting the implementation of appropriate measures to adapt to sea level rise, and assuring compliance with state law and permit conditions governing development and other activities in and adjacent to the Bay.

Alternatives

One alternative to the proposal to double the existing application fees, referred to as Alternative 1, is to leave the fees at their current levels. Under this alternative, the Commission would make no change to existing permit application fees and would not modify the existing target revenue to be collected from fees of 20% of the Commission's total regulatory program costs for purposes of potentially adjusting the permit fees every five years. The Commission may reject this alternative because the existing fees have been set to recover a relatively low percentage (20%) of the total costs of the Commission's regulatory program and because this alternative would not achieve the Department of Finance's objective of increasing the fee revenue collected by the Commission and deposited into the General Fund.

Three alternatives each would increase all permit application fees by a specified factor greater than 2.0 but not greater than 5.0, with the goal of recovering a specified target revenue of greater than 40% but not greater than 100% of the Commission's total regulatory program costs from permit applicants. Under each of these alternatives, the target revenue to be collected from fees also would be increased to a specified percentage of greater than 40% but

not greater than 100% of the Commission's total regulatory program costs for purposes of potentially adjusting permit fees every five years. More specifically, these alternatives are:

Alternative 2. Increase all permit application fees by a factor of 3.75, with the goal of recovering 75% of the Commission's total regulatory program costs from permit applicants; increase the target revenue to be collected from permit fees to 75% of the Commission's total regulatory program costs for purposes of potentially adjusting permit fees every five years.

Alternative 3. Increase all permit application fees by a factor of 5.0, with the goal of recovering 100% of the Commission's total regulatory program costs from permit applicants; increase the target revenue to be collected from permit fees to 100% of the Commission's total regulatory program costs for purposes of potentially adjusting permit fees every five years.

Alternative 4. Increase all permit application fees by a specified factor to be established by the Commission, with the goal of recovering a specified percentage of the Commission's total regulatory program costs from permit applicants; increase the target revenue to be collected from permit fees to that specified percentage of the Commission's total regulatory program costs for purposes of potentially adjusting permit fees every five years.

The accompanying Economic and Fiscal Impact Statement (Form 399), including the supplement thereto, presents for Alternatives 2 and 3 the estimated annual average fees and fee revenues for major permits, administrative permits, and permit amendments.

In evaluating Alternatives 2, 3, and 4, the Commission may consider that, as noted above, under the California law, a regulatory agency may establish a permit fee schedule so that the total amount of fees collected equals the amount necessary to recover all (*i.e.*, 100%) of the costs of the agency's regulatory activities. The State Water Resources Control Board has established fee schedules for several of its regulatory programs to recover all costs incurred in connection with those programs. *See California Building Industry Assn.*, 4 Cal.5th at 1038 (fee schedule for waste discharge permits); *California Farm Bureau Federation*, 51 Cal.4th at 438-40 (fee schedule for water rights permit or license). In 2008, the California Coastal Commission amended its fee schedule for coastal development permits by increasing fees so that filing fee revenue would increase from approximately 8% to up to 50% of the Coastal Commission's regulatory costs and budget. *See Initial Statement of Reasons for Proposed Amendments of the Coastal Commission's Filing Fee Regulations* (prepared for comment period commencing September 14, 2007 and ending October 29, 2007), at 2.

The Commission's existing permit application fees, which since 1991 have been set with the goal of recovering 20% of the Commission's total regulatory program costs, result in lower deposits to the General Fund by the Commission than would be the case if the Commission's fee schedule was established with the goal to recover 40%, 75%, or 100% of the total costs of the Commission's regulatory program. Moreover, as shown in Table 1, above, the Commission receives far more in financial support through appropriations from the General Fund than the Commission generates in fee revenue for deposit into the General Fund. Thus, the General

Fund essentially provides financial support to the regulated community, by enabling the Commission to charge lower permit application fees than might otherwise be the case, because the existing fees are lower than they would be if the Commission's fee schedule was established with the goal to recover 40%, 75%, or 100% of the total costs of the Commission's regulatory program.

In 2015, the Executive Director agreed with Finance to propose to the Commission that it double the existing permit application fees to provide partial reimbursement to the General Fund for the annual budget augmentation of \$1 million to the Commission from General Fund revenues approved by Finance. If the Commission were to more than double the existing fees (*i.e.*, increase the fees by a factor of more than 2.0), this would increase the Commission's deposits to the General Fund by more than the amount previously agreed to with, and anticipated by, the Department of Finance. Thus, any additional increase in existing fees, beyond doubling the fees, would allow the Commission to request and justify an increased appropriation from the General Fund, in addition to the augmentation of \$1 million approved in 2015, to support the Commission's regulatory program or possibly for other purposes, such as the Commission's regional planning efforts for adaption to sea level rise.

Another alternative, referred to as Alternative 5, would consist of two components. First, all permit application fees would be increased by a specified factor, to be established by the Commission, of between 2.0 and 5.0, with the goal of recovering a specified target revenue of between 40% and 100% of the Commission's total regulatory program costs from permit applicants. Second, instead of increasing the target revenue to be collected from permit fees to a specified percentage of the Commission's total regulatory program costs for purposes of potentially adjusting permit fees every five years, the Commission would amend the regulation to add an automatic fee escalator to the Commission's fee regulation. A fee escalator would allow the Commission to adjust its fees each year by the amount of inflation determined by the California Consumer Price Index. Under Alternative 5, the Commission would delete the existing provisions of Appendix M, section (c) providing for potential fee adjustments to be calculated every five years.

Under Alternative 5, each year the new fees as adjusted by percentage change in the California Consumer Price Index would become effective July 1. The Commission would calculate the new fees after the Department of Industrial Relations publishes the annual index value, and then would adjust the fee schedule that is issued to the public and posted on the Commission's website. The purpose of an automatic fee escalator is to ensure that the permit application fees are increased annually at the rate of inflation. In addition, an automatic fee escalator would eliminate the need for the Commission to review and analyze five years of fee revenue and regulatory costs data every five years, and to calculate annual average fee revenues and annual total regulatory program cost from that data, to determine whether and how fees are to be adjusted every five years.

In evaluating Alternative 5, the Commission may consider that in 2008, the Coastal Commission amended its fee schedule for coastal development permits to add an automatic fee escalator, based on the percentage change in California Consumer Price Index, to its fee regulations. See Initial Statement of Reasons for Proposed Amendments of the Coastal

Commission's Filing Fee Regulations (prepared for comment period commencing September 14, 2007 and ending October 29, 2007), at 10; *see also* 14 C.C.R. section 13055(c).

Impact on Small Businesses

An increase in the Commission's permit application fees would impact small businesses, just as it would impact other businesses, private parties, and state and local government agencies by increasing the permit application fees for all projects and permit amendments. The increased costs to small business would not be significant compared to a small business applicant's total project costs and would be similar to the impact on other permit applicants. The number of small businesses impacted will depend on how many small businesses voluntarily decide to apply for a permit or to amend an existing permit for a project or other regulated activity within the Commission's jurisdiction. An analysis of economic and fiscal impacts of the proposed regulatory action, including estimated costs that private parties may incur, is contained in the accompanying Economic and Fiscal Impact Statement (Form 399), including the supplement thereto.

Technical Studies and Other Materials Relied Upon.

Economic and Fiscal Impact Statement (Form 399), including the supplement thereto.

Staff Report and Recommendation to Commence Rulemaking to Revise Permit Application Fees and Other Amendments to Title 14, Division 5, Appendix M (January 26, 2018).

Approved Minutes of February 1, 2018 Commission Meeting (March 9, 2018), at 5-12.

California Coastal Commission, Initial Statement of Reasons for Proposed Amendments of the Coastal Commission's Filing Fee Regulations (prepared for comment period commencing September 14, 2007 and ending October 29, 2007).

California Coastal Commission, Schedule of Filing Fees for Processing Permit Applications and Other Filings. 14 C.C.R. section 13055 (2019).

City and County of San Francisco, San Francisco Planning Fee Schedule, Effective August 31, 2018.

City of Berkeley, Planning and Building Department, Permit Fee Chart, Effective July 1, 2017.

Contra Costa County, Land Development Fee Schedule, Effective August 22, 2016, Building Permit Fees (Table 1-A).

City of Fremont, Building and Safety Division, Plans and Permits Division, Building Permit Fee Schedule, Effective July 1, 2015

No Comparable Federal Regulations.

There are no existing comparable federal regulations or statutes. Therefore, the proposed amended Commission regulations would not conflict with or duplicate any federal regulations addressing the same issues.